IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF APRIL
TWO THOUSAND AND SEVEN

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE P.SWAROOP REDDY

-

WRIT PETITION No.696 OF 2006

Between:

Government of Andhra Pradesh, represented by its Principal Secretary, Home Department, Secretariat, Hyderabad and others.

..... PETITIONERS

AND

B.Nageswara Rao

....RESPONDENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE P.SWAROOP REDDY

WRIT PETITION No.696 OF 2006

O R D E R
(Per Sri Justice J.Chelameswar)

This writ petition is filed with a prayer as follows:

> **"… Hon'ble Corut may be pleased to issue an appropriate Writ or direction more particularly one in the nature of "Writ of Certiorari" calling for the records, relating to and connected with order dated:24-03-2004 in O.A.No.2192 of 2004 on the file of the Hon'ble A.P.A.T., Hyderabad and to quash the same by holding as erroneous and contrary to law and pass.."**

When the matter is taken up earlier for admission, it was brought to the notice of this Court that in W.P.No.4424 of 2004 and batch, wherein an identical issue involved as the one in the instant writ petition, has come up for consideration by this Court and by an order dated 04.12.2006, this Court had set aside the order under challenge therein and remanded the matter back to the A.P. Administrative Tribunal. Therefore, we thought it fit to order notice before admission in order to dispose of writ petition finally instead of keeping it pending in this Court. Accordingly, notice was ordered on 01.02.2007 and the notice on the sole respondent was also served. Notwithstanding the service of the notice, the sole respondent did not choose to appear and contest the matter when the matter is taken up today.

In the circumstances, this writ petition is disposed of at the admission stage itself by setting aside the order under challenge and remanding the

matter to the A.P. Administrative Tribunal for an appropriate consideration and adjudication of the issue in the light of the principles laid down by this Court in W.P.No.4424 of 2004, dated 04.12.2006. Office is directed to append a copy of the order in W.P.No.4424 of 2004 to this writ petition.

JUSTICE J.CHELAMESWAR

P.SWAROOP REDDY

2Nd APRIL, 2007
PGS

THE HON'BLE MR JUSTICE
J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE
P.SWAROOP REDDY

WRIT PETITION No.696 OF 2006
(Per Sri Justice J.Chelameswar)

2nd APRIL, 2007